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June 30, 2023

**VIA ECF**

The Hon. Andrew E. Krause  
United States District Court  
Charles L. Briant Jr. Federal Building and U.S. Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

**RE: Richtone Design Group, LLC v. Kelly et al., Case No. 7:22-cv-1606-KMK-AEK**

Dear Magistrate Judge Krause:

Pursuant to Your Honor's March 5, 2023 order (ECF No. 77), Plaintiff/Third Party Defendant ("Plaintiff") submits this letter regarding the present fact discovery deadline of June 30, 2023. Your Honor indicated in the March 5, 2023 order that "[t]he Court will not extend the deadline to complete fact discovery at this time, but will do so upon issuing a decision regarding the currently pending discovery disputes." Plaintiff, at present day, has been able to complete the deposition of one of the fact witnesses, Mr. I.C. Rapoport. Counsel for Defendant has been adamant that Your Honor's ruling on the outstanding discovery disputes is required before being able to proceed with the deposition of any of the other six fact witnesses. Thus, Plaintiff would respectfully request at least ninety (90) days to complete fact discovery from the date of Your Honor's order on the outstanding discovery disputes. Plaintiff believes that this will allow for the remaining depositions to be timely scheduled and allow for any follow up discovery that may be warranted.



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Respectfully Submitted,

*s/David Postolski*

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